

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:20-MJ- 653 (ATB)

CHESTER HAMMOND,)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of July 8, 2019 in the county of Oneida in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2252A(a)(2)(A) and (b)(1)

Offense Description

Distribution of Child Pornography Using a Means and Facility of Interstate and Foreign Commerce

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

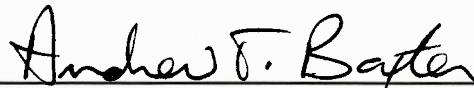

Complainant's signature

Martin Baranski, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 12/17/2020


Judge's signature

City and State: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, MARTIN BARANSKI, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2252 and 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

2. This affidavit is offered in support of a criminal complaint and arrest warrant charging Chester Hammond with violating 18 U.S.C. § 2252A(a)(2)(A) (distribution of material containing child pornography).

3. The statements in this affidavit are based upon my investigation, information provided to me by other law enforcement officers and on my experience and training as a special agent of the FBI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included all facts known to me concerning this

investigation. I have instead set forth only the facts that I believe are necessary to establish probable cause to believe that Hammond has violated 18 U.S.C. § 2252A(a)(2) (distribution of child pornography).

PROBABLE CAUSE

4. On July 9, 2019, a technology company specializing in internet-related services and products reported an incident of apparent child pornography to the National Center for Missing and Exploited Children (NCMEC). Specifically, the company reported that an image depicting child pornography was sent by a user account held by one of the company's account holders¹ to another user on the same platform. Subscriber records identified Chester Hammond as the user account holder and set forth associated telephone numbers, email addresses, and IP connection information.

5. The IP connection information led investigators to subscriber information for an internet service provider that resolved to a service address in Manlius, New York. Additional investigation established that Chester Hammond and another individual (whose name was on the internet service provider's subscriber records) were possible residents at the residence in Manlius.

6. On March 20, 2020, New York State Police (NYSP) Investigator Ryan Putrello conducted an eJustice Criminal History check that revealed that Chester Hammond is a registered sex offender stemming from a conviction in May 1996 on the charge of New York State Penal Law, Attempted Sexual Abuse 1st. Your affiant has also reviewed Chester Hammond's criminal

¹ The image reported to NCMEC which has been reviewed by your Affiant depicted depicts two young males, who both appear less than 10 years old. One male is seated while the other is positioned between his legs and performing oral sex on him with his penis in his mouth. The image is available to the Court upon request.

history, and it reflects his conviction for Attempted Sexual Abuse in the First Degree in 1996. Your affiant obtained the underlying police reports from the Oswego Police Department that relates to this conviction. Per the reports, an 8-year old victim reported to her mother that in the early morning hours of November 3, 1995, Chester Hammond, who was staying with the family, took the victim out of her bedroom, sat the victim on a loveseat, and touched her vaginal area. During the course of his interview with law enforcement Hammond admitted that he sexually abused the 8-year old victim.

7. On July 6, 2020, NYSP Investigator Ryan Putrello obtained a New York State search warrant for content contained within the user accounts disclosed to NCMEC by the technology company specializing in internet-related services and products referenced above.

8. On July 26, 2020, NYSP Computer Crimes Unit (CCU) reviewed the search warrant results for the user accounts and observed that on July 8, 2019, Chester Hammond sent a gif² containing child pornography to another individual. The gif with filename unified_message_465773517570902.gif was sent on July 8, 2019, at 01:43:22 UTC and depicts two boys who appear to be between the ages of 10 and 13 having sex. One boy is laying on his stomach with his buttocks propped up while the other boy appears to be penetrating his anus with his penis. Another gif with filename unified_message_898286837236499.gif was also sent by

² A gif, or Graphics Interchange Format, is a format for image files that supports both animated and static images. In other words, it allows for a short, approximately 2-3 second video loop that plays automatically without the need for a video player.

Hammond on July 8, 2019, at 20:49:08 UTC and depicts the same image as the one sent at 01:43:22.

9. On September 29, 2020, the NYSP executed a search warrant at Hammond's residence located in Manlius, New York. NSYP Invs. McCormack and Putrello interviewed Chester Hammond at the barracks in Oneida, NY. Chester Hammond was advised of his Miranda Rights, which he subsequently waived. Chester Hammond was shown two printed images depicting child pornography from the CyberTip and search warrant results, which he then admitted to recognizing and having either sent or received. The individual who was sent the image on July 8, 2019, was also subsequently interviewed by law enforcement and confirmed that Hammond had sent him the image.


10. Chester Hammond further admitted to possessing approximately 100 images of child pornography on his Samsung Galaxy S7 cellular telephone stored in his Keep Safe app. Hammond stated that he obtained the images of child pornography from a website that at first appears to be an adult pornography website, however, he discovered that when he intensively searched the site he could find and download child pornography. Per Hammond, he looked at the child pornography and also saved some of the child pornography to his phone, in the KeepSafe app. A forensic preview of the Samsung Galaxy S7 demonstrated that it contained nearly 500 images of child pornography. Furthermore, the image described per the NCMEC CyberTip in paragraph 4, footnote 1, was discovered on Hammond's phone.

CONCLUSION

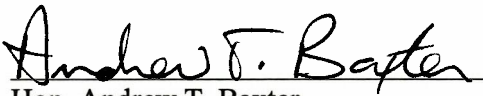
11. Based upon the foregoing information, there is probable cause to conclude that Chester Hammond has knowingly distributed child pornography using a means and facility of

interstate and foreign commerce, in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski
Special Agent
Federal Bureau of Investigation

I, the Honorable Hon. Andrew T. Baxter, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on December 17, 2020, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Andrew T. Baxter
U.S. Magistrate Judge